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August 6, 2013

Mr. Edward Vielmetti
EMAIL: 4899-99180069@requests.muckrock.com

Dear Mr. Edward Vielmetti:

RE: Freedom of Information Act request
Request #2013-84

Your request under the Freedom of Information Act for "Records of FOIA request letters, response letters including denials, and appeal letters and responses to the FOIA coordinator and City Administrator regarding FOIA requests, dated from March 1, 2013 to March 31, 2013. This should include cover letters and other administrative correspondence, but not the documents requested. " is granted upon receipt of deposit in the amount of \$27.00.

Please make your check payable to the City of Ypsilanti and forward to this office and we will send the requested materials by return email. Also please make sure to contact us at the above listed address in the as we did not receive your request for quite some time.

The cost of this material is estimated to be over \$50. MCL 15.234, Sec 4(2), provides that "A public body may require at the time a request is made a good faith deposit . . . if the fee . . . exceeds \$50. The deposit shall not exceed 1/2 of the total fee" As the estimated cost of this request exceeds \$50, please send your deposit of \$27 to this office so that we can request the various departments to begin researching FOIA logs, redacting, and separating records.

Sincerely yours,



John M. Barr
Ypsilanti City FOIA Coordinator

Enc – response form

**CITY OF YPSILANTI RESPONSE TO REQUEST FOR PUBLIC RECORDS - F.O.I.A.
MCLA 15.231, et seq**

TO:

This is in response to your request dated April 9, 2013, received by this office on August 6, 2013, for copies of the following:
"Records of FOIA request letters, response letters including denials, and appeal letters and responses to the FOIA coordinator and City Administrator regarding FOIA requests, dated from March 1, 2013 to March 31, 2013. This should include cover letters and other administrative correspondence, but not the documents requested. "

Your request for public records has been reviewed and the following action has been taken in compliance with the provisions of the State of Michigan Freedom of Information Act. (appropriate area is checked)

1. ☐ REQUEST APPROVED: With the exception of any items that may be exempt pursuant to Sec. of the Act. Request will be processed as soon as staff resources permit. (If this box is checked, you must provide another copy of this form when documents are forwarded to requester and check either box 2a or 2b.)
- 2a. ☒ REQUEST APPROVED: Documents will be requested and assembled following receipt of deposit.
- b. ☒ REQUEST APPROVED IN PART: Certain portions of this record which are exempt from disclosure have been separated or deleted from the enclosed documents.
- c. ☐ REQUEST DENIED. It has been determined by this agency that the record you have requested is exempt from disclosure based on the provisions of the Freedom of Information Act. (See attached for details).
- d. ☐ REQUEST DENIED: The record you have requested does not exist within the records of this agency under the name or description given to us.

UNDER THE FREEDOM OF INFORMATION ACT, SEC. 10, YOU HAVE THE RIGHT TO APPEAL TO CITY COUNCIL OR SEEK JUDICIAL REVIEW IF YOUR REQUEST HAS BEEN DENIED IN WHOLE OR PART. SEC. 10 OF THE ACT READS AS FOLLOWS:

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do one of the following at his/her option:

- a. Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial;
- b. Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request;

(2) Within 10 days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do one of the following:

- a. Reverse the disclosure denial;
- b. Issue a written notice to the requesting person upholding the disclosure denial;
- c. Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part;
- d. Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than one notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing an action in circuit court under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. The circuit court for the county in which the complainant resides or has his/her principal place of business, or the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An Action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the circuit court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

PROCESSED BY YPSILANTI FOIA COORDINATOR, DATED: 8/6/13.


John M. Barr, Ypsilanti City FOIA Coordinator